



LAKES MANAGEMENT ADVISORY COMMITTEE

NH Lakes Management and Protection Program

New Hampshire Department of Environmental Services
29 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
phone: 603-271-2959 fax: 603-271-7894
e-mail: jcolburn@des.state.nh.us



MINUTES May 19, 2006 Meeting DES Conference Room 9:30 a.m. - 1:00 p.m.

Members present:

Jim Haney, Ph.D., Chair
Joanna Pellerin, Vice Chair
Wendell Berry
Joe Farrelly
Ken Gallager
Mark Hemmerlein
Ken Jordan
Mitchell E. Kalter
Marsha Lavallee Huntoon
Johanna Lyons
Larry Sunderland
Kenneth P. Wilson

Representing:

Scientific Community, UNH
State Conservation Committee
NH Business and Industry Assn
NH Lakes Association
Office of Energy and Planning
Commissioner, DOT
NH Association of Realtors
NH Fish & Game Commission
Conservation Commissions
Commissioner, DRED
Conservation Community
NH Marine Trades Association

Term:

August 22, 2007
August 1, 2006
July 8, 2007
August 1, 2006
Indefinite
Indefinite
June 27, 2008
August 22, 2006
August 22, 2007
Indefinite
September 19, 2007
August 22, 2008

Members not present:

Mark Gallagher
James S. Morash
Fred Murphy
Rich Tichko
Vacant
Vacant

Commissioner, DOS
Tourism, NH Travel Council
Member, Planning Board
Exec. Dir., Fish & Game Dept.
Elected Municipal Official
Commissioner, Agr. Markets and Food

Indefinite
August 1, 2007
August 1, 2008
Indefinite
August 22, 2003
Indefinite

Staff Present

Jacquie Colburn
Jody Connor
Laura Weit
Bobbi Benedict

Lakes Coordinator, Watershed Management Bureau
Limnology Center Director, Watershed Management Bureau
Asst. Planner, Watershed Management Bureau
Admin. Asst., Water Division

The Meeting Was Called to Order

Dr. Haney, Chairman, called the meeting to order at 9:30 a.m.

I. Introductions/Minutes/Committee Business

- 1) Meeting Minutes: April 28, 2006

J. Farrelly made a motion to accept the minutes as presented. K. Jordan seconded the motion and it was unanimously voted.

- 2) Committee Business

➤ Travel Vouchers - J. Colburn distributed travel vouchers to members eligible for reimbursement.

➤ Stream Gage Task Force - Update from May 2nd Meeting

Laura Weit attended the first task force meeting on behalf of the LMAC on May 2, 2006. The purpose of the meeting was to develop a strategy to evaluate the existing stream gage network. It was decided to rank each gage for real time management needs and short and long-term study needs. It is anticipated that the next meeting will be held in June. J. Colburn and L. Weit will meet with J. Farrelly prior to the next task force meeting to discussion issues raised at the May 2 meeting.

3) LMAC Meetings: 6/year with 2 lake visits

Meetings to Date: 1/27/06, 2/24/06, 3/24/06, 4/28/06, 5/19/06

Next Meeting: June 23, 2006

Proposed Lake Visits:

- July 28: Lake Winnisquam/Lake Winnepesaukee.
- September 22: North Country area lakes: York Pond and Lake Umbagog.

4) State Agency/Member Updates

Johanna Lyons

- There is significant flooding in state parks, beach erosion and debris on the beaches. Once water recedes, plans for beach replenishment/restoration can proceed.
- The state holds an easement on Connecticut Lake headwaters property in Pittsburg and DRED is working on a recreation plan. There are between seven and nine dams which have been maintained by F&G over the years for public benefit. DRED is looking at these impoundments to determine economic benefits and environmental implications for wildlife. The state is also acquiring land around Jericho Lake.

Mitchell Kalter

- The Fish & Game Commission has had a policy in place for many years that there would be no spraying for mosquitoes on Fish & Game controlled property. Now with the emergence of West Nile an EEE, this policy is being reviewed to allow for spraying if the Governor declares a public health emergency.

Mark Hemmerlein

- The I-93 project is moving forward. DOT is in the process of finalizing BMP locations. TMDL studies for chlorides are being launched in July.
- There was limited damage to state highways from flooding, mostly local roads.
- Mark will be working with an intern this summer on the detection and elimination of illicit discharges in the southern seacoast area. Approximately 55 locations have been chosen.

Jody Conner

- There is a cooperative program with DOT and DES on Webster Lake and Mascoma Lake to keep the lakes free of runoff during rain events using BMPs.
- Grants were recently received from EPA for lake assessment programs: DES will work with EPA to assess 10 lakes this summer and 13 lakes in 2007.
- Legislation to fund milfoil prevention and restoration which was supposed to sunset in 2008 will now be ongoing. A committee will be formed to study ways to expedite the permitting process to use herbicides for milfoil control.
- Legislation to add \$3 to \$4 to boat registration for exotic weed control did not pass.

Joe Farrelly

- J. Farrelly wrote to DES and DOS regarding flooding issues. Lake Associations are looking for direction on how to best address the issue of septic pollutants running into the lakes from various sources.
- Mr. Farrelly commented that David Barrett, DOS, has taken the initiative to prepare and distribute an advisory on speed limits on NH lakes until water levels recede. Mr. Farrelly added that regulatory agencies should have in place directives to address issues related to high water, such as compromised septic systems, headway speed limits, etc. J. Colburn agreed to post the DOS advisory on the DES website.

Dr. Haney

- Salinity levels have dropped to undetectable levels at Great Bay because of flooding. Recent testing showed that flounder and lobsters have died and there were no copepods in the bay. This has been a productive breeding area in the past. Oysters will likely survive but there is some concern for smelt breeding.

5) Agencies & Academic Institutions with Lake-Related Responsibilities

J. Colburn commented that the NHLA is having its 13th annual lakes congress on June 17. Jacquie has been asked to do a presentation on lake management, state agencies and their responsibilities. A collaborative presentation will be made by Dr. Haney and Ken Colburn on climate change and its impacts on lakes and ponds.

6) Future Agenda Items

- Follow up to Lakes Forum
- SPNHF - New Hampshire's Changing Landscape
- DES - Sprawl and Water Quality
- PSU - Impervious Surface and Water Quality

II. Lakes Forum1) Review and Discuss Action Items

J. Colburn distributed copies of a document identifying topics and action items discussed at the Governor's state agency lakes forum. The next step is to get further input from the agencies on the implementation of items which fall within their jurisdictions. It was suggested that the document be formatted so that each action item appears on a separate page.

J. Farrelly made a motion to send the document identifying action items and a letter co-signed by Commissioner Nolin and Dr. Haney to the commissioner/director of each of the state agencies involved in the lakes forum requesting that he/she authorize the agency's representative on the LMAC to do the investigation necessary to determine the agencies' objectives. J. Pellerin seconded the motion and it was unanimously voted.

2) Review and Discuss Lakes Management Criteria Spreadsheet

Laura Weit reviewed the status of the findings and recommendations of the Lakes Management Criteria with the committee. J. Colburn requested that the committee members review the document and identify four or five of the most critical items for discussion at the June 23 meeting. Laura has sent out email requests for those recommendations that need clarification. The updated spreadsheet will be presented to the LMAC at its next meeting.

J. Pellerin will follow up with Dick Uncles at the Department of Agriculture, Markets & Food.

III. Surplus Land Reviews1) Status of Requests & MOU

J. Colburn reviewed changes to the MOU requested by Commissioner Murray.

A motion was made by M. Kalter to approve the MOU as amended by Commissioner Murray. J. Pellerin seconded the motion and it was unanimously voted.

2) Review and Approve LMAC SLR Checklist

J. Colburn reviewed the revised checklist and took comments from committee members.

A motion was made by K. Jordan to approve the checklist as presented with amendment. J. Farrelly seconded the motion and it was unanimously voted.

IV. SPA Position Paper

2) Review and Discuss Draft Paper

L. Sunderland reviewed the revisions to the final position paper, "Disposal of State-owned Waterfront Property," prepared by the subcommittee which has been sent to the Governor. Copies will be forwarded to the Executive Council and to Commissioner Murray. J. Colburn met with Alice Chamberlin and requested that a meeting be scheduled with the Governor to discuss the paper. It was also suggested that any press inquiries generated by the position paper be directed to Dr. Haney for comment.

J. Pellerin and Dr. Haney expressed appreciation to the subcommittee for their commitment in preparing a quality document on behalf of the LMAC.

Issues for discussion with the Governor:

- W. Berry noted that the formula for determining the financial value of surplus property is outdated.
- M. Hemmerlein added that a process for exceptions to Recommendation No. 1 may be needed in instances where a town may request property for public use.

1) Presentation - Summary of Issues

L. Weit presented a draft summary of issues for discussion on the Comprehensive Shoreland Protection Act. J. Colburn indicated that a white paper should be submitted to the legislative study committee by July.

- J. Farrelly commented that "realistic and adequate fee to finance the support of DES staff" be inserted in the third paragraph under "5. Challenge" in place of "reasonable fee."
- M. Berry suggested that the word "fee" be used without any modifiers in the above paragraph.
- J. Pellerin added that establishing a 75' no-cut zone statewide may be challenged by licensed foresters. She suggested adding a statement that cutting within the no-cut zone be done under a forestry management plan.
- L. Sunderland added that a distinction should be made between lakes and streams with regard to a no-cut zone. Mr. Sunderland will consult with Phil Bryce of DRED and report back to the committee at the next meeting.
- J. Farrelly suggested a provision encouraging the creation of watershed zones in towns with lakes.
- L. Sunderland commented that provisions are needed for nonconforming structures created by increased setback requirements. Boathouses with living facilities should be phased out.
- J. Farrelly suggested that boathouses with living quarters be maintained but not improved, and no further living facilities created.
- M. Hemmerlein stated that clarification needs to be made that expansion cannot be made lakeward.
- J. Colburn added that a limitation on impervious surface should be considered.

J. Colburn suggested that a subcommittee be formed to work on the white paper and bring a draft document to the next meeting. M. Kalter and J. Farrelly volunteered to serve on the

subcommittee. Jacquie and Laura will get copies of papers submitted by other organizations to the legislative study committee for the subcommittee's review.

V. Lake-Related Legislation and Other Items and/or Issues

- 1) J. Colburn distributed a summary of legislation provided by Jared Teutsch of the NHLA.
- 2) J. Colburn advised that the VLAP workshop will take place at DES on May 20 at 8:30 a.m. Lake host training will be provided in the afternoon session.

The meeting adjourned at 1:00 p.m.